

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DR. ARISTO VOJDANI and
IMMUNOSCIENCES LAB, INC.,
a California corporation,

Plaintiffs,

ORDER

10-cv-37-bbc

v.

GOTTFRIED KELLERMANN,
MIEKE KELLERMANN,
PHARMASAN LABS, INC.,
a Wisconsin corporation, and
NEUROSCIENCE, INC.,
a Wisconsin corporation,

Defendants.

Plaintiffs Aristo Vojdani and Immunosciences Lab, Inc. have moved for a writ of attachment, alleging that defendants Gottfried Kellermann, Mieke Kellermann, Pharmasan Labs, Inc. and Neuroscience, Inc. are in breach of a contract with plaintiffs and that defendants' circumstances and failure to disclose relevant information make it unlikely that plaintiffs will be able to obtain the money owed to them under the contract unless they can attach defendants' property.

According to plaintiffs, defendant Gottfried Kellermann was convicted of making false statements to the government in 1992. Because this crime is considered one of moral turpitude and because Kellermann is not an American citizen, he has been ordered deported. The deportation seems to be imminent now that the Court of Appeals for the Seventh Circuit has denied Kellermann's appeal of the deportation order.

In connection with his appeal, Kellermann submitted an affidavit in which he averred that if he was to be deported, his companies would dissolve. Kellermann says now that since he submitted the affidavit to the court of appeals, he has made contingency plans that will enable the businesses to continue to operate in Osceola, Wisconsin, with his wife of 40 years staying here to run the companies. He plans to retain his title and position but will operate from Switzerland, using electronic communication. He says also that neither he nor any other defendant has taken any steps to remove or transfer property.

Defendants' assertions do not persuade me that a writ of attachment is not necessary to protect the corporate assets until the case can be decided. Defendant Gottfried Kellermann has demonstrated a tendency to say whatever he thinks will be persuasive to the court in which he is appearing. Moreover, I find it questionable whether, after 40 years of marriage, his wife will be willing to stay alone in Osceola, once her husband moves to Switzerland.

Given the disputed facts, I believe that a prompt evidentiary hearing would help

clarify the parties' positions. Accordingly, I will schedule such a hearing, to be held on May 26, 2010, at 8:30 a.m.

ORDER

IT IS ORDERED that the motion for writ of attachment filed by plaintiffs Dr. Aristo Vojdani and Immunosciences Lab, Inc. is set for an evidentiary hearing at 8:30 a.m., Wednesday, May 26, 2010 in Courtroom 260, 120 N. Henry St., Madison, Wisconsin.

Entered this 10th day of May, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge